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By: **Senator Della**

Introduced and read first time: February 4, 2004

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - 46th and 47th Alcoholic Beverages Districts - License**  
3 **Issuance and Transfer**

4 FOR the purpose of authorizing the Board of Liquor License Commissioners for  
5 Baltimore City to issue a Class B beer, wine and liquor license for use in a  
6 restaurant that has a certain capital investment and that exceeds the maximum  
7 seating capacity if the premises are located in a certain area and a certain  
8 condition is met; providing that certain exceptions to the prohibition against  
9 issuing or transferring certain licenses do not apply in certain areas of  
10 Baltimore City; making certain technical corrections; and generally relating to  
11 the issuance and transfer of alcoholic beverages licenses in the 46th and 47th  
12 Alcoholic Beverages Districts of Baltimore City.

13 BY repealing and reenacting, without amendments,  
14 Article 2B - Alcoholic Beverages  
15 Section 6-201(a)(1) and (d)(1)(i) and (iv) and 9-204.1(a)(4), (9), and (10), (b), and  
16 (g)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 2B - Alcoholic Beverages  
21 Section 6-201(d)(1)(vii) and (viii) and 9-204.1(c) and (e)  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2003 Supplement)

24 BY adding to  
25 Article 2B - Alcoholic Beverages  
26 Section 6-201(d)(1)(ix)  
27 Annotated Code of Maryland  
28 (2001 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 2B - Alcoholic Beverages**

4 6-201.

5 (a) (1) A Class B beer, wine and liquor license shall be issued by the license  
6 issuing authority of the county in which the place of business is located, and the  
7 license authorizes its holder to keep for sale and sell all alcoholic beverages at retail  
8 at any hotel or restaurant at the place described, for consumption on the premises or  
9 elsewhere, or as provided in this section.

10 (d) (1) (i) This subsection applies only in Baltimore City.

11 (iv) Except for the 47th Alcoholic Beverages District, this license  
12 shall be issued in accordance with the provisions of subsection (a) of this section.

13 (vii) In addition to the other requirements provided for in this  
14 subsection, in the 46th and 47th Alcoholic Beverages Districts the restaurant shall  
15 have a minimum:

16 1. [Capital] EXCEPT AS PROVIDED IN SUBPARAGRAPH (IX)  
17 OF THIS PARAGRAPH, CAPITAL investment of \$500,000 for restaurant facilities not  
18 including the cost of the land, the building, or improvements that are not to the  
19 interior of a building on the licensed premises; and

20 2. Seating capacity of 75 persons, and, EXCEPT AS PROVIDED  
21 IN SUBPARAGRAPH (IX) OF THIS PARAGRAPH, a maximum seating capacity of 150  
22 persons.

23 (viii) 1. Notwithstanding § 1-102(a)(22)(i)3 of this article AND,  
24 EXCEPT AS PROVIDED IN SUBPARAGRAPH (IX) OF THIS PARAGRAPH, for a licensee  
25 who is issued a Class B beer, wine and liquor license for use in a restaurant in the  
26 46th or 47th Alcoholic Beverages District, the average daily receipts from the sale of  
27 food must be at least 51% of the total daily receipts of the restaurant.

28 2. A licensee annually, at the time the license is renewed,  
29 shall file with the Board of LIQUOR License Commissioners for Baltimore City a  
30 statement of average daily receipts and an affidavit of a licensed certified public  
31 accountant that verify that the licensee has met the requirement of  
32 sub-subparagraph 1 of this subparagraph OR SUBPARAGRAPH (IX) OF THIS  
33 PARAGRAPH.

34 3. A license may not be transferred from the location of its  
35 first issuance.

36 4. A license may not be issued for use in an establishment  
37 that is a fast food style restaurant.

1 (IX) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR  
2 BALTIMORE CITY MAY ISSUE A CLASS B BEER, WINE AND LIQUOR LICENSE FOR USE  
3 IN A RESTAURANT THAT HAS A SEATING CAPACITY EXCEEDING 150 PERSONS IF THE  
4 RESTAURANT:

5 1. IS LOCATED IN WARD 26, PRECINCT 8 OF THE 46TH  
6 ALCOHOLIC BEVERAGES DISTRICT;

7 2. HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000; AND

8 3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD  
9 THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS.

10 9-204.1.

11 (a) New licenses for the sale of alcoholic beverages may not be issued in:

12 (4) The 46th alcoholic beverages district of Baltimore City consisting of:

13 Baltimore City wards 1 and 2;

14 Ward 3, precinct 3 and part of precinct 1;

15 Ward 6, precincts 1, 6, and 7;

16 Ward 7, precincts 8 and 9; and

17 Ward 26, precincts 1 through 33 and 47 through 51.

18 (9) For Class B licenses only, in the areas of the 47th alcoholic beverages  
19 district covered by:

20 (i) The Key Highway East Industrial Area Urban Renewal Plan, as  
21 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June  
22 29, 1987; and

23 (ii) The Key Highway Urban Renewal Plan, as adopted by the  
24 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.

25 (10) The 47th alcoholic beverages district, as defined in subsection (g) of  
26 this section, except for the portion of ward 21, precinct 3, bounded on the southwest  
27 by Gwynn Falls to the B&O Railroad; running northeast along the B&O Railroad to  
28 Bayard Street; running from that point east along Bayard Street to Washington  
29 Boulevard; and south along Washington Boulevard from that point to Gwynn Falls.

30 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for  
31 the sale of alcoholic beverages of any class may not be transferred into the areas of  
32 Baltimore City covered by this section.

33 (2) A licensed drugstore may transfer the license into the 45th alcoholic  
34 beverages district of Baltimore City.

1 (c) (1) Except as provided in PARAGRAPH (2)(I) OF THIS SUBSECTION AND  
 2 subsection (h) of this section, the prohibitions in this section do not apply to special  
 3 1-day licenses or to Class B beer, wine and liquor restaurant licenses to bona fide  
 4 restaurants having:

5 (i) A minimum capital investment, not including the cost of land  
 6 and building, of:

7 1. \$300,000 for restaurant facilities in the 47th alcoholic  
 8 beverages district of Baltimore City which consists of:

9 A. Wards 23, 24, and 25 in their entirety;

10 B. Ward 19, precincts 3, 4, and 5;

11 C. Ward 20, precincts 19 and 20;

12 D. Ward 21, precincts 2 and 3; and

13 E. Ward 21, that part of precinct 1 that lies south and west of  
 14 a line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt  
 15 Street; or

16 2. \$200,000 for restaurant facilities in the remainder of  
 17 Baltimore City, EXCEPT IN WARD 26, PRECINCT 8 UNDER SUBPARAGRAPH (III) OF  
 18 THIS PARAGRAPH;

19 (ii) A minimum seating capacity of 75 persons;

20 (iii) 1. In the following areas of the 46th alcoholic beverages  
 21 district, average daily receipts from the sale of food that are at least 51% of the total  
 22 daily receipts of the restaurant:

23 [1.] A. Ward 1, precincts 2[, 3, 4, and 5] AND 3;

24 [2.] B. Ward 2 in its entirety;

25 [3.] C. Ward 3, precinct 3; and

26 [4.] D. Ward 26, precinct 10; and

27 2. FOR A RESTAURANT IN WARD 26, PRECINCT 8 OF THE 46TH  
 28 ALCOHOLIC BEVERAGES DISTRICT THAT HAS A MINIMUM CAPITAL INVESTMENT OF  
 29 \$700,000 AND A SEATING CAPACITY EXCEEDING 150 PERSONS, AVERAGE DAILY  
 30 RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY  
 31 RECEIPTS OF THE RESTAURANT; AND

32 (iv) In the 47th alcoholic beverages district, average daily receipts  
 33 from the sale of food that are at least 51% of the total daily receipts of the restaurant.

1 (2) (I) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR  
 2 BALTIMORE CITY MAY NOT ISSUE OR TRANSFER AN ALCOHOLIC BEVERAGES  
 3 LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR USE IN:

4 1. WARD 1, PRECINCT 4 OR 5 OF THE 46TH ALCOHOLIC  
 5 BEVERAGES DISTRICT; OR

6 2. WARD 24, PRECINCT 5 OF THE 47TH ALCOHOLIC  
 7 BEVERAGES DISTRICT.

8 (II) Additional Baltimore City license privileges for Class B beer,  
 9 wine and liquor licenses issued in the 47th alcoholic beverages district in Baltimore  
 10 City are as provided in § 6-201(d) of this article.

11 (e) (1) Except as provided in paragraph (2) of this subsection, a license for  
 12 the sale of alcoholic beverages may not be transferred into, or transferred to a  
 13 different location within the following areas of the 46th legislative district:

14 (i) Ward 1, precincts 2[, 3, 4, and 5] AND 3;

15 (ii) Ward 2 in its entirety;

16 (iii) Ward 3, precinct 3; and

17 (iv) Ward 26, precinct 10.

18 (2) This subsection does not apply to an application for a new license or  
 19 a transfer from within the areas described in paragraph (1) of this subsection if the  
 20 new license or transfer is for:

21 (i) A hotel;

22 (ii) An establishment located in a planned unit development if the  
 23 application for the planned unit development was filed or approved before December  
 24 31, 1995;

25 (iii) An establishment located in an area governed by the Inner  
 26 Harbor East Urban Renewal Plan; or

27 (iv) An establishment:

28 1. That has a seating capacity of less than 150 persons at any  
 29 one time; or

30 2. In which the average daily receipts from the sale of food  
 31 [is] ARE at least 51% of the total daily receipts of the establishment.

32 (g) (1) Notwithstanding any other provision of law to the contrary, a license  
 33 for the sale of alcoholic beverages may not be transferred into the 47th alcoholic  
 34 beverages district of Baltimore City, which is as follows:

- 1 (i) Wards 23, 24, and 25 in their entirety;
- 2 (ii) Ward 19, precincts 3, 4, and 5;
- 3 (iii) Ward 20, precincts 19 and 20;
- 4 (iv) Ward 21, precincts 2 and 3; and
- 5 (v) Ward 21, that part of precinct 1 that lies south and west of a line  
6 that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt  
7 Street.

8 (2) Notwithstanding any other provision of law to the contrary, a Class B  
9 beer, wine and liquor license may not be transferred or downgraded within the 47th  
10 alcoholic beverages district of Baltimore City, as described in paragraph (1) of this  
11 subsection.

12 (3) Except as provided in subsection (a) of this section, a Class B beer,  
13 wine and liquor license may be issued in the 47th alcoholic beverages district.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 June 1, 2004.